REMARKS

INTRODUCTION

In accordance with the foregoing, the claims have not been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-5 and 7-18 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §103

Rejection of Claims 1-4, 7, 9-12, 14-17, and 18

In the outstanding Office Action at pages 2-16, numbered item 4, claims 1-4, 7, 9-12, 14-17, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,366,298 to Haitsuka in view of U.S. Patent No. 6,236,330 to Cohen and further in view of U.S. Patent No. 6,381,534 to Takayama. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Haitsuka is directed to the monitoring of individual internet usage and is alleged to teach "receiving position information from a mobile client," "determining a passage count of the mobile client in a predetermined advertising information transmission area in which a position indicated by the position information is located and storing the passage count" with "the passage count including a number of times the mobile client passes within the predetermined advertising information transmission area within a predetermined period of time," and "transmitting to the mobile client advertising information according to the passage count of the mobile client in the predetermined advertising information transmission area." Cohen is directed to a mobile display system and is alleged to define transmission areas, which are not defined in Haitsuka. Takayama is directed to a navigation information presenting apparatus and method thereof and is alleged to teach that "when the mobile client passes through the same transmission area two or more times within the predetermined period of time, the second passage and later are not counted." Applicant respectfully submits, however, that Takayama is disqualified as a reference used in a rejection under 35 U.S.C. §103(a) against the claims of the present application.

Disqualification of Takayama

35 U.S.C. §103(c) states that "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an

obligation of assignment to the same person." Applicant respectfully submits that U.S. Patent No. 6,381,534 to Takayama could only qualify as prior art under subsection (e) of 35 U.S.C. §102. Further, Applicant respectfuuly submits that Application Serial No. 09/805,157 and U.S. Patent No. 6,381,534 to Takayama were, at the time the invention of U.S. Patent Application Serial No. 09/805,157 was made, owned by Fujitsu Limited or subject to an obligation of assignment to Fujitsu Limited. Accordingly, Applicant respectfully submits that Takayama is disqualified as prior art under 35 U.S.C. §103 against the present application.

Applicant respectfully submits that Haitsuka and Cohen, taken alone or in combination, fail to teach or suggest all of the features of claims 1-4, 7, 9-12, 14-17, and 18. Thus, Applicant respectfully submits that claims 1-4, 7, 9-12, 14-17, and 18 patentably distinguish over the prior art and are in condition for allowance.

Rejection of Claims 5 and 13

In the outstanding Office Action at pages 16-19, numbered item 5, claims 5 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haitsuka in view of Cohen in further view of Takayama and further in view of U.S. Patent No. 6,332,127 to Bandera. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As noted above, the Takayama reference is disqualified from being used as prior art under 35 U.S.C. §103 against the present application. Accordingly, Applicant respectfully submits that Cohen and Bandera fail to cure all of the deficiencies of Haitsuka. As Haitsuka, Cohen, and Bandera, taken alone or in combination, fail to teach or suggest all of the features of claims 5 and 13, Applicant respectfully submits that claims 5 and 13 patentably distinguish over the prior art and are in condition for allowance.

Rejection of Claim 8

In the outstanding Office Action at page 19, numbered item 6, claim 8 was rejected as being unpatentable over Haitsuka in view of Cohen in further view of Takayama and further in view of U.S. Patent No. 6,360,221 to Gough. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As noted above, the Takayama reference is disqualified from being used as prior art under 35 U.S.C. §103 against the present application. Accordingly, Applicant respectfully submits that Cohen and Gough fail to cure all of the deficiencies of Haitsuka. As Haitsuka,

Cohen, and Gough, taken alone or in combination, fail to teach or suggest all of the features of claim 8, Applicant respectfully submits that claim 8 patentably distinguishes over the prior art and is in condition for allowance.

Rejection of Claim 17

In the outstanding Office Action at page 20, numbered item 7, claim 17 was rejected as being unpatentable over Haitsuka in view of Cohen in further view of Takayama and further in view of U.S. Patent No. 6,061,660 to Eggleston. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As noted above, the Takayama reference is disqualified from being used as prior art under 35 U.S.C. §103 against the present application. Accordingly, Applicant respectfully submits that Cohen and Eggleston fail to cure all of the deficiencies of Haitsuka. As Haitsuka, Cohen, and Eggleston, taken alone or in combination, fail to teach or suggest all of the features of claim 17, Applicant respectfully submits that claim 17 patentably distinguishes over the prior art and is in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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